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# **BUILDING A DIVERSE FUTURE: EMPOWERING WOMEN IN THE CONSTRUCTION WORKFORCE**

AUTHORED BY - MOHAMMED ISMAIL SAIT\*

## **ABSTRACT**

There was a time when women would have to fight for their right to employment. Fortunately, today this fact stands as our past. Unfortunately, our present isn't any better either. The deplorable figures of crime against women in our country confirm the challenging and insecure lives women live even today. Violence against women in the work place takes place in all countries throughout the world and takes many forms, including sexual harassment and bullying.

Since impoverished women are more likely to be subjected to exploitation, it has an impact on all professions and industries. Strict legislation by itself is not enough to address sexual offences against women, as is evident when we consider the situation of all working women. Education and awareness campaigns are crucial in transforming the moral consciousness of the general public. Strong and stringent laws are definitely necessary as the existing laws have proved to be inefficient in ensuring swift justice and appropriate punishment to the guilty. But the actual need of the hour is a revolutionary change in the mindsets and conscience of Indian men so that they stop seeing women as the housekeepers.

The present paper will endeavor the challenges faced by the working women at their workplaces, reasons for less women employment and the measures to improve the security for working women.

**KEYWORDS: Women's Rights, Workplace Safety, Violence Against Women, Sexual Harassment Bullying, Employment Equity**

**“The day a woman can walk freely on the roads at night, that day we can say that India has achieved Independence” -Mahatma Gandhi**

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## 1.0 INTRODUCTION

The term "workplace" refers to the designated physical location where an employee customarily engages in the execution of their professional duties. In instances where an employee's responsibilities necessitate mobility, the term specifically denotes the establishment to which the employee returns for the purpose of preparing and submitting reports and conducting other administrative functions pertinent to their employment. Workplaces may encompass a diverse array of environments, including corporate offices, manufacturing facilities, retail outlets, agricultural domains, outdoor settings, and any venue wherein labor is performed.

- **WORKPLACE SAFETY**

Workplace safety is fundamentally concerned with the proactive establishment of measures designed to avert injury and illness among employees and volunteers engaged in work-related activities. It recognizes the imperative of safeguarding the organization's most invaluable asset: Its human resources.

The maintenance of a safe workplace environment entails the rigorous identification and mitigation of hazards that may precipitate injury or health complications. The implementation of robust safety protocols and the creation of an environment conducive to well-being empower employees to perform their professional responsibilities devoid of concerns regarding personal safety.

- **WOMEN'S SAFETY**

The construct of women's safety encompasses the formulation of strategies and policies aimed at preemptively addressing the incidence of violence, thereby seeking to prevent both the perpetration and victimization of women. This objective can be realized through the enhancement of awareness and the reformation of societal attitudes that contribute to the roots of domestic and sexual violence, including adherence to norms that perpetuate violence, male supremacy, and the entitlement of males to sexual access.

Moreover, it is essential to advocate for the comprehensive participation of women and girls in civic and community affairs, cultivate partnerships between local community organizations and governmental entities, and ensure the inclusion of a diverse spectrum of women and girls in local decision-making processes. Prevention initiatives should encompass strategic, long-

term, and multifaceted approaches that address both the risk factors and protective factors associated with the dynamics of perpetration, victimization, and bystander intervention<sup>1</sup>.

### **1.1 Women as Catalysts for Economic Change:**

India has attained the position of the fifth-largest economy, surpassing the United Kingdom and France in the previous fiscal year. Nevertheless, when scrutinizing the metric known as the "Female Labor Force Participation Rate" (FLFPR), India ranks alarmingly low. It is estimated that four out of five women within the country remain outside the realm of formal employment. This paradox exists despite significant economic growth, increased educational attainment, advancements across pivotal sectors, and enhanced participation in diverse fields; the FLFPR has demonstrated a concerning downward trend. The FLFPR is legally defined as the percentage of working-age women who report either being gainfully employed or are actively seeking employment.

Forecasts indicate that a 10-percentage point increase in the FLFPR could potentially inject an additional \$770 billion into India's GDP by the year 2025 (Lydon et al., 2018). Women in India possess the capacity to emerge as a driving force within the national economy; however, they are often constrained by the shackles of patriarchal norms and a plethora of barriers, including cultural impediments and inadequacies within the legal framework. Successive Indian governments, across varying political landscapes, have instituted a range of policies and programs aimed at bolstering female participation in the workforce. These initiatives include "Beti Bachao, Beti Padhao," the MUDRA scheme, the National Rural Employment Guarantee Act, and the Pradhan Mantri Kaushal Vikas Yojana (PMKVY). Despite these legislative measures, substantive progress has not been realized; rather, there has been a noticeable decline in participation rates over the years.

Among the suite of employment-generation schemes and legislative measures, 56% are aimed at women; however, only 34% possess specific targets or quotas designated for female participation, while a mere 10% incorporate gender-responsive components.<sup>2</sup> Moreover, the increasing levels of educational attainment have paradoxically correlated with a decline in FLFPR, as higher-income households often conclude that if both men and women are educated,

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<sup>1</sup> Working women's safety in india:The prime social responsibility of the corporate world available at <https://www.pggc46.ac.in/images/WORKING%20WOMEN.pdf> (last visited on 04-10-2024)

<sup>2</sup> "Working Women are the Future of India" 1 *International Journal of Policy Sciences and Law* 3-7 (2021).

and if the male's income exceeds that of the female, the latter's participation in the labor market becomes unnecessary, thereby confining women to domestic roles.

Empirical studies have demonstrated that women often exhibit superior skills in negotiation, critical reasoning, and management compared to their male counterparts; however, the prevailing socio-economic reality starkly contrasts this assertion, with women predominantly found in domestic settings rather than in the formal labor market. The declining trend of the FLFPR represents a significant concern for the sustained economic development of India. A comparative analysis reveals that India ranks fifth from the lowest in FLFPR among both developed and developing nations. Furthermore, women in India are engaged in unpaid labor for an estimated average of six hours daily. In numerous states and urban locales, cultural and familial pressures compel women to exit the labor force. A widely held belief persists that women should prioritize household responsibilities over external employment opportunities, irrespective of their substantial educational qualifications.

## **2.0 Evaluation of the Literature:**

An effort has been made to examine and research the working circumstances of women in unorganised industries generally and in the construction industry specifically. Nonetheless, it is noted that there aren't many studies on the difficulties experienced by female construction workers. The main issues that are noted to be of concern are gender discrimination, irregular and seasonal employment, sexual harassment and abuse at work, lack of growth opportunities, etc.

In order to guarantee the employment security of domestic workers, construction workers, and farmers, there must be inter- and intra-sectoral heterogeneity. Policies that are specific to a certain location should be developed because various occupational groups have different issues cycle of arriving late, lacking expertise, earning little money, and eventually becoming casualized.

Harassment of female construction workers occurs both at home and at work. They put in the most effort.

Training for women as masons may equalise their prospects.

The issues faced by migrant construction workers are numerous.<sup>3</sup> Some of the main issues are bad health, a demanding work environment, harassment, an unfair pay structure, long workdays, subpar housing, crimes against women employees, a lack of safety precautions, and inadequate and improper educational opportunities for children of construction workers. educating construction workers about their rights and ensuring that labour laws are properly applied

## 2.1 Assessing Work-Life Balance for Women Employees

1. Shilpi Kulshrestha conducted an empirical investigation entitled “A Descriptive Study on Work-Life Balance of Women Employees in Banks,” which elucidated that the banking sector in Jodhpur experiences considerable work-life imbalance. Departments predominantly staffed by operational personnel endure greater challenges compared to those with ancillary support staff.
2. V. Sathya Moorthi (2017) explored the perceptions of “Women Employees’ Attitudes Toward Work-Life Balance in the Service Sector,” concluding that promoting equilibrium between professional obligations and personal life yields substantial benefits for both employers and employees. Work-life imbalance engenders detrimental organizational outcomes, including heightened absenteeism and turnover rates, reduced productivity, diminished job satisfaction, escalating healthcare costs, and a decline in organizational commitment and loyalty.
3. Pavithra G (2020), in her scholarly work on “Work-Life Balance of Women Employees,” identified critical determinants influencing the work-life balance of women in India, including role overload, caregiving responsibilities, health-related issues, time management deficiencies, and insufficient social support networks.
4. A. Pande and J. Ahirrao examined “Work-Life Balance of Women Employees in the Banking Sector in India,” concluding that no distinct policies specifically addressing the work-life balance of female employees currently exist. Nonetheless, a majority of women reported that practices such as job sharing and collegial support significantly assist them in managing work-life dynamics. They contend that work-life balance should not be perceived merely as a challenge to be resolved but rather as a complex issue requiring ongoing management.

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<sup>3</sup>Womens construction workers in india available at <https://habitatindia.org/wp-content/uploads/2023/11/Women-in-Construction-Policy-National.pdf> (last visited on 05-10-2024)

5. Anshul Bharti and Anju Bhatia undertook an inquiry into “Work-Life Balance of BPO Women Employees in Jaipur City,” concluding that while Business Process Outsourcing (BPO) firms have facilitated new employment avenues for women, there is a pressing need to ameliorate the work environment to enhance its congeniality for employees.
6. Magdalene Peter and S. Fabiyola Kavitha (2020) investigated the work-life balance of women in the Indian information technology sector, revealing that both work and familial responsibilities are central to their experiences. Significant factors influencing this balance include extended working hours, opportunities for career advancement, the presence of supportive leadership structures, policies regarding leave arrangements, and the overall workplace environment.
7. Ashok Kumar Bansal and Lekh Raj (2017) conducted a study on “Work-Life Balance of Women Employees in Indian Oil Corporation Limited, Mathura (U.P.),” revealing an absence of statistically significant associations between personal variables and the work-life balance of female employees, as well as between organizational variables and work-life balance.
8. Dr. G. Balamurugan and M. Sreeleka (2020) sought to elucidate the work-life balance of women in the IT sector, identifying key factors that contribute to their equilibrium and satisfaction, including working hours, job satisfaction, and workplace conditions.
9. Sushree Sangita Das and Dr. Shashi A. Mishra (2016) aimed to identify the challenges related to work-life balance faced by women IT executives in Mumbai. Their study involved a questionnaire survey of 50 female IT professionals, focusing on parameters such as working hours, familial obligations, and prospects for career advancement.
10. In research conducted by K. Thriveni Kumari and Dr. V. Rama Dev (2015), which examined the work-life balance of women employees across selected service sectors—including banking, insurance, IT, BPO, healthcare, and education—it was determined that it is imperative for organizations to acknowledge the specific needs of female employees by implementing more effective work-life balance strategies.<sup>4</sup> Attaining a healthy work-life equilibrium is critical for all employees, irrespective of industry affiliation, and represents a shared obligation of both employers and employees to cultivate conditions conducive to positive organizational and personal outcomes.

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<sup>4</sup> Dr. Payal Mahendrasinh Mahida and Ms. Suchita Chauhan, “Work Life Balance of Working Women: A Literature Review” 11 *International Journal of Creative Research Thoughts* 2-9 (2023).

## 2.2 Key Findings of the Justice Hema Committee Report:

1. **Sexual Coercion:** Women entering the industry frequently encounter pressure to trade sexual favors for job opportunities, commonly referred to as the “casting couch” phenomenon. The report underscores the prevalence of lewd comments from male colleagues and incidents of intoxicated male co-actors engaging in harassment.
2. **Harassment and Abuse:** Female professionals face various forms of sexual harassment, abuse, and assault in the workplace, during travel, in their residences, and even online. Those who reject sexual propositions often suffer retaliation and derogatory remarks.
3. **Lack of Basic Facilities:** Numerous workplaces, particularly those in outdoor settings, are devoid of basic amenities such as restrooms and changing areas, which can result in health issues like urinary infections.
4. **Silencing Tactics:** Unauthorized bans and threats of exclusion from work serve as mechanisms to silence women within the industry. A dominant male network exerts control, and opposing them can lead to professional ostracism.
5. **Gender Discrimination:** There is pervasive gender bias, evidenced by considerable pay inequalities between male and female workers. Furthermore, junior artists often endure grueling conditions, sometimes working up to 19 hours daily<sup>5</sup>.
6. **Contract Violations:** Numerous employment contracts remain unfulfilled, resulting in actors and technicians receiving inadequate pay or, in some cases, no compensation at all.

## 2.3 "Legal Imperatives: Women's Workplace Safety Post-Kolkata Tragedy"

The issue of women's safety in the workplace remains a pressing concern, highlighted by alarming incidents such as the recent case of a doctor's rape and murder in Kolkata. This tragic event underscores systemic failures in protecting women and reveals deeper societal issues regarding gender-based violence.

Despite constitutional protections aimed at ensuring women's rights and safety, such as Articles 14 and 15, which guarantee equality and prohibit discrimination, many workplaces fall short of creating a safe environment. Women often face harassment, both verbal and physical, which

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<sup>5</sup> Sexual Harassment of Women at Workplace: Issues and Challenges – Explained, Pointwise available at <https://forumias.com/blog/sexual-harassment-of-women-at-workplace-issues-and-challenges-explained-pointwiset> (Last visited on 05-10-2024)

can deter them from pursuing careers in certain fields, especially those traditionally dominated by men.

The incident in Kolkata, where a female doctor was brutally attacked, illustrates the vulnerability many women experience in their professional lives. It raises urgent questions about workplace safety protocols and the effectiveness of existing laws designed to protect women. Even with regulations in place, implementation often lags, leaving women exposed to potential harm.

Moreover, the cultural context cannot be overlooked. In many parts of India, societal attitudes perpetuate a cycle of violence against women. This is exacerbated by inadequate support systems for victims, such as counseling and legal aid, which can discourage women from reporting incidents of harassment or violence. The stigma attached to such cases often silences victims, leading to underreporting and a culture of impunity for perpetrators.

Workplaces must be proactive in fostering a safe and supportive environment. This includes implementing strict anti-harassment policies, conducting regular training sessions on gender sensitivity, and ensuring that there are clear reporting mechanisms in place. Employers must prioritize creating a culture of respect and accountability, where women feel empowered to speak out without fear of retaliation.

The Kolkata incident serves as a wake-up call for all stakeholders—government, employers, and society at large. It emphasizes the urgent need for comprehensive reforms, not only in workplace safety regulations but also in societal attitudes towards women. Advocacy for women's rights should be a collective effort, emphasizing education, awareness, and stringent enforcement of laws.

while the Indian Constitution provides a framework for protecting women's rights, the reality in many workplaces remains grim. The horrific case of the doctor in Kolkata is a stark reminder of the urgent need for systemic change. It is imperative for society to confront the underlying issues that contribute to violence against women and work collectively towards creating safe and equitable workplaces<sup>6</sup>. Only then can we hope to ensure that women can pursue their

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<sup>6</sup> Justice Hema Committee Report, various Issues faced by women In cinemas, (2024) (Kerala High Court)

careers free from fear and harassment.

### 2.3 Increase in Sexual Harassment Complaints in Indian Corporates

[Sexual harassment complaints](#) recorded across some of India's largest [companies](#) showed a sharp increase in FY24, underscoring the rapid emergence of a [culture](#) of improving corporate disclosures.

There has been a 40.4% increase in number of complaints of sexual harassment (up by 268) filed during last fiscal, shows latest data from BSE 30 companies put together for ET by Complykaro, which advises companies on [PoSH](#) compliance. A total of 932 sexual harassment complaints were reported across BSE 30 companies in FY24, up from 664 in FY23, shows the data.

PoSH committee members attributed this to a greater [awareness](#) among [women](#) professionals about the Prevention of Sexual Harassment of Women at Workplace (PoSH) law as well several companies pushing for a culture that encourages reporting of such cases.

"This indicates increased awareness among [employees](#)<sup>7</sup> which is leading to real change as more women are coming forward and lodging complaints,".

### 3.0 Key Judicial Decisions on the Prevention of Sexual Harassment (PoSH)

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, hereinafter referred to as the PoSH Act, constitutes a critical legislative framework in India designed to safeguard women against sexual harassment within the workplace. This legislation was enacted by the Parliament of India following the seminal judgment in the case of “Vishaka and Others v. State of Rajasthan”, which established essential guidelines aimed at the prevention of sexual harassment in professional environments.

The scope of the PoSH Act encompasses all categories of workplaces, including governmental entities, private enterprises, and non-profit organizations, thereby extending its protective measures to all women, irrespective of their employment status. The Act articulates a definition

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<sup>7</sup> Sexual harassment complaints at companies see sharp rise ,available at (Last Visited 05-10-2024) [https://economictimes.indiatimes.com/jobs/hr-policies-trends/sexual-harassment-complaints-at-companies-see-sharp-rise/articleshow/112663032.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/jobs/hr-policies-trends/sexual-harassment-complaints-at-companies-see-sharp-rise/articleshow/112663032.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

of sexual harassment as any unwelcome physical, verbal, or non-verbal conduct of a sexual nature that results in the creation of a hostile or intimidating work environment for the affected individual.

Pursuant to the provisions of the PoSH Act, employers are obligated to establish an internal complaints committee tasked with addressing allegations of sexual harassment. Furthermore, employers must implement a code of conduct that explicitly prohibits such acts. For women employed in the informal sector, the Act mandates the formation of local complaint committees at the district level to facilitate the redressal of grievances.

The PoSH Act delineates a comprehensive framework of preventive measures<sup>8</sup>, including the dissemination of information regarding its stipulations, the provision of sensitivity training to employees, and the establishment of a safe and secure working environment for women. Additionally, the Act prescribes penalties for non-compliance, which may encompass fines and terms of imprisonment.

### **1. Vishaka and others v. State of Rajasthan (Bhanwari Devi Case)**

Vishaka and Others v. State of Rajasthan, also known as the Bhanwari Devi case, was a landmark judgment by the Supreme Court of India in 1997 that established guidelines for the prevention of sexual harassment at the workplace. The case arose from a complaint by a group of women's rights organizations, including the Vishaka Association, after a social worker named Bhanwari Devi was gang-raped in 1992 while trying to prevent a child marriage in Rajasthan.

The Supreme Court held that sexual harassment at the workplace violates the rights of women guaranteed under the Indian Constitution and international conventions. The Court further held that the state has a duty to prevent such harassment and to provide effective remedies to victims.

To that end, the Court issued guidelines for the prevention of sexual harassment at the workplace, which include the creation of complaint committees at the district and state levels, the adoption of a code of conduct for employers, and the training of employees on the issue of sexual harassment.

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<sup>8</sup> Landmark Judgements related to Prevention Of Sexual Harassment (PoSH) available at <https://www.ilms.academy/blog/landmark-judgements-on-posh> (last visited on 06-10-2024)

The Bhanwari Devi case had a significant impact on women's rights in India, as it recognized sexual harassment as a form of gender-based violence and established legal remedies for its prevention and redress. The case remains an important precedent in the fight against sexual harassment and other forms of gender-based violence in India and around the world.

## **2. Medha Kotwal Lele & Ors. V. Union of India & Ors.**

Medha Kotwal Lele & Ors. v. Union of India & Ors. is a case that was decided by the Supreme Court of India in 2018. The case arose from a petition filed by a group of women's rights activists, including Medha Kotwal Lele, challenging the constitutionality of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (PoSH Act).

The petitioners argued that the PoSH Act was insufficient to protect women from sexual harassment at the workplace, and that it failed to provide adequate remedies to victims of such harassment. They argued that the Act did not adequately address issues such as the role of third parties in facilitating sexual harassment, the need for protection against online harassment, and the need for gender-sensitive training for members of internal complaint committees.

The Supreme Court rejected the petitioners' arguments, holding that the PoSH Act was constitutional and that it provided sufficient protections to women against sexual harassment at the workplace. The Court further held that the Act was in line with India's international obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Medha Kotwal Lele case is significant because it reaffirmed the importance of the PoSH Act in protecting women from sexual harassment at the workplace and provided guidance on the Act's application in practice. The case remains an important precedent in the fight against sexual harassment and other forms of gender-based violence in India.

## **3. Tuka Ram And Anr vs State of Maharashtra, AIR 1979 SC 185 (Mathura Case)**

Tuka Ram And Anr v. State of Maharashtra, also known as the Mathura case, was a criminal case that was decided by the Supreme Court of India in 1979. The case arose from an incident that occurred in 1972, in which a young woman named Mathura was allegedly raped by two

police officers at a police station in Maharashtra.

Mathura's family filed a complaint against the police officers, who were charged with rape and other offenses. The trial court acquitted the officers, stating that Mathura had consented to sexual intercourse with them. Mathura's family appealed the decision to the High Court, which also upheld the acquittal.

The case was then appealed to the Supreme Court, which ruled in favor of Mathura and ordered the police officers to be retried. The Court held that the evidence in the case indicated that Mathura had not consented to sexual intercourse with the police officers, and that the trial court had erred in finding otherwise.

The Mathura case is significant because it established the principle that a woman's consent to sexual intercourse must be obtained through clear and voluntary communication, and that the absence of physical resistance does not necessarily indicate consent. The case remains an important precedent in the fight against sexual violence and other forms of gender-based violence in India.

#### **4. State of Maharashtra vs. Madhukar Narayan Mardikar, AIR 1991 SC 207**

State of Maharashtra v. Madhukar Narayan Mardikar, also known as the Mardikar case, was a criminal case that was decided by the Supreme Court of India in 1991. The case arose from a complaint by a woman named Manorama, who alleged that she had been raped by Madhukar Narayan Mardikar, a police inspector, while in police custody.

Mardikar was charged with rape and other offenses. The trial court convicted him and sentenced him to life imprisonment. Mardikar appealed the conviction to the High Court, which upheld the sentence. Mardikar then appealed to the Supreme Court.

The Supreme Court upheld Mardikar's conviction and sentence, stating that the evidence in the case established that he had raped Manorama while she was in police custody. The Court further held that the fact that the rape occurred in a police station made it a particularly heinous crime, as it undermined the trust that the public places in the police.

The Mardikar case is significant because it established the principle that the police have a duty to protect the rights of individuals in their custody, and that they are liable for any violations

of those rights. The case remains an important precedent in the fight against sexual violence and other forms of abuse of power in India.

### **5. Independent Thought vs. Union of India and Anr.**

Independent Thought v. Union of India and Anr. is a case that was decided by the Supreme Court of India in 2017. The case arose from a petition filed by a non-profit organization called Independent Thought, which challenged the constitutionality of an exception to the Indian Penal Code that allows a husband to have sexual intercourse with his wife if she is between the ages of 15 and 18.

Independent Thought argued that the exception violated the rights of young girls to equal protection under the law, as it allowed for the sexual exploitation of minors.<sup>9</sup> The organization argued that the exception was discriminatory and violated international conventions on the rights of the child.

The Supreme Court agreed with Independent Thought and struck down the exception, holding that it was in violation of the rights of young girls to protection from sexual exploitation and abuse. The Court stated that the exception was “arbitrary, capricious, whimsical and violative of the rights of the girl child.”

The Independent Thought case is significant because it established that the rights of children, including the right to protection from sexual exploitation and abuse, must be given priority over cultural and traditional practices. The case remains an important precedent in the fight against child marriage and other forms of gender-based violence in India.

### **3.1 Section 75 of the Bharatiya Nyaya Sanhita, 2023: Provisions on Sexual Harassment**

- Section 75 of the BNS Act criminalizes sexual harassment through explicit actions such as unwelcome physical advances, demands for sexual favors, showing pornography against a woman's will, and making sexually colored remarks. The penalties vary based on the severity of the act:

#### **1. Offences Defined:**

- (i) Unwelcome physical contact or advances.

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<sup>9</sup> Sexual Harassment: 5 Landmark Judgments by Supreme court of India available at [https://blog.ipleaders.in/landmark-judgments-on-sexual-harassment/\(05-10-2024\)](https://blog.ipleaders.in/landmark-judgments-on-sexual-harassment/(05-10-2024))

- (ii) Demands for sexual favors.
- (iii) Showing pornography against a woman's will.
- (iv) Making sexually colored remarks.

## 2. Penalties:

- For clauses (i), (ii), and (iii): Rigorous imprisonment for up to three years, or a fine, or both.
- For clause (iv): Imprisonment for up to one year, or a fine, or both.

### 3.2 Section 76: Assault or Use of Criminal Force to Woman with Intent to Disrobe

- Section 76 addresses assaults or the use of criminal force against a woman <sup>10</sup>with the intent to disrobe.
- Offenders face a minimum of three years imprisonment, extending up to seven years, along with possible fines.

### 3.3 Section 77: Voyeurism

- Section 77 criminalizes voyeurism, defined as observing or capturing images of a woman in private situations where she expects privacy. The penalties include:
  - First Conviction: Imprisonment for a minimum of one year, up to three years, and a fine.
  - Subsequent Convictions: Imprisonment for a minimum of three years, up to seven years, and a fine.

### 3.4 Section 78: Stalking

- Section 78 defines stalking as the act of following or repeatedly contacting a woman despite her clear disinterest or monitoring her online activities. Exceptions exist for lawful conduct related to crime prevention or compliance with legal obligations. Penalties include:
  - First Conviction: Imprisonment for up to three years and a fine.

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<sup>10</sup> The Bharatiya Nyaya Sanhita, 2023 (45 of 2023),s.74,75,76,77,78

- Subsequent Convictions: Imprisonment for up to five years and a fine.

## CONCLUSION AND SUGGESTIONS

Mahatma Gandhi's assertion that the day a woman can traverse the streets of India freely at night will signify the nation's true independence underscores a profound truth in contemporary discourses surrounding gender equality and workplace safety. Despite notable advancements in economic growth and legislative reforms aimed at enhancing women's participation in the workforce, the prevailing reality remains stark: systemic barriers and cultural impediments continue to impede the progress of women in India.

The analysis of workplace safety, particularly in relation to sexual harassment, reveals the urgent need for comprehensive policy frameworks that not only address incidents of harassment but also cultivate a robust culture of accountability and respect. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (PoSH) serves as a crucial legislative instrument designed to safeguard women from workplace harassment; however, its efficacy is contingent upon rigorous implementation and a transformative shift in societal attitudes toward gender equity.

The significant increase in recorded complaints of sexual harassment, as observed in various corporate settings, reflects a burgeoning awareness among women of their rights under the PoSH Act. This surge in reporting, while indicative of positive change, also exposes the entrenched nature of gender-based violence in professional environments, necessitating a multi-faceted approach to both prevention and redress.

Moreover, the literature review highlights the myriad challenges women face in achieving an equitable work-life balance, exacerbated by insufficient support systems and the perpetuation of traditional gender roles. The absence of gender-responsive policies and supportive infrastructures often relegates women to subordinate positions, undermining their economic potential and societal contributions.

Legal imperatives, such as those outlined in landmark judgments like *Vishaka v. State of Rajasthan*, have established essential guidelines for the prevention of sexual harassment, yet the implementation of such directives remains inconsistent across sectors. Furthermore, cases

like Medha Kotwal Lele affirm the constitutional validity of the PoSH Act but also reveal gaps that need to be addressed, particularly concerning the protection of women from third-party harassment and the necessity for comprehensive training of internal complaints committees.

In the context of India's socio-economic landscape, it is imperative that all stakeholders—including government entities, employers, and civil society—collaborate to create safe, inclusive, and empowering work environments for women. This collaborative approach must encompass rigorous enforcement of existing legal frameworks, proactive policy-making that addresses both institutional and cultural biases, and sustained advocacy for women's rights.

In conclusion, the realization of Gandhi's vision for true independence necessitates not only legislative reform but also a cultural renaissance that dismantles the patriarchal structures inhibiting women's freedom. By fostering an environment where women can pursue their professional aspirations devoid of fear or discrimination, India can achieve not only enhanced economic growth but also a more equitable and just society. Such progress will reflect a commitment to the constitutional values enshrined in Articles 14 and 15, ensuring that the rights of women are upheld as a fundamental tenet of a truly independent nation.



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